

ENTERED

April 02, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

TALAL NIMER EL HAJ,

VS.

LORI DAVIS

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CIVIL ACTION NO. 7:16-CV-00534

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner Talal Nimer El Haj's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, which had been referred to the Magistrate Court for a report and recommendation. On February 14, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Respondent's motion for summary judgment be granted, that Petitioner's § 2254 habeas petition be denied, that Petitioner be denied a certificate of appealability, and that this action be dismissed.

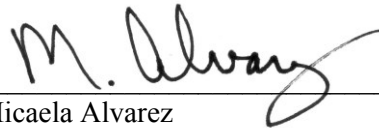
On February 28, 2018, rather than filing objections, Petitioner sought an extension of time to file objections and to obtain an affidavit in response to the Report and Recommendation. As good cause, Petitioner claimed that he had limited access to the law library. This Court granted Petitioner until March 30th to file his response. Petitioner has now filed the exact request for an extension of time but it is accompanied by documents related to Petitioner's divorce proceeding and a one page letter indicating Petitioner has been in lock-down and has had limited use of the law library. Petitioner does not explicitly request additional time to file objections but in light of the 80 some page response submitted, the Court finds a further extension is not warranted. Accordingly, the Court considers the Report and Recommendation in light of the response submitted but finds that Petitioner has failed to raise specific objections to the report.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. Finding no clear error, the Court adopts the Report and

Recommendation in its entirety. Accordingly, it is hereby ORDERED that Respondent's Motion for Summary Judgment is GRANTED, that Petitioner's Petition for Writ of Habeas Corpus Pursuant to § 2254 is DENIED, that Petitioner is denied a certificate of appealability, and that this action is DISMISSED.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 2nd day of April, 2018.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge